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Group Art Unit: 3714

#### REMARKS/ARGUMENTS

Claims 1-46 are pending in the application. Claims 11-13, 17, 31-33, and 37 are cancelled without prejudice pursuant to the Examiner's requirement for restriction. Claims 1, 2, 9, 10, 16, 18-22, 29, 30, 36, 38-41, and 43-45 stand rejected. Claims 3-8, 14, 15, 23-28, 34, 35, 42, and 46 stand allowable if rewritten in independent form including all the limitations of the base and intervening claims. Applicant appreciates the Examiner's notification of allowable subject matter in claims 3-8, 14, 15, 23-28, 34, 35, 42, and 46.

Claims 2, 4, 6, 8, 9, 18, 19, 22, 24, 26, 28, 29, 38, 39, and 42-46 have been amended to correct typographic errors, for form, for clarification, to change dependency, and/or to remove language deemed unnecessary for patentability. Claims 1, 3, 5, 7, 11-17, 21, 23, 25, 27, 31-37, and 41 have been canceled without prejudice. Claims 47-60 have been added to more completely define Applicants' invention. Claim 56 is essentially claim 3 rewritten in independent form. Claim 57 is essentially claims 1 and 14 rewritten in independent form. Claim 58 is essentially claims 21 and 23 rewritten in independent form. Claim 59 replaces claim 41.

No new matter has been added by the foregoing amendments, full support therefor being shown in the drawings and specification as filed. All claims remaining in the application are believed to now be in condition for allowance.

Reconsideration and reexamination of the application is respectfully requested in view of the referenced amendments and the following remarks.

#### **Rejection Under 35 U.S.C. §102(b)**

Claims 1, 2, 9, 10, 16, 18-22, 29, 30, 36, 38-41, and 43-45 stand rejected as being anticipated by U.S. Patent No. 6,722,355 to Andrews. The rejection is traversed.

Claims 1, 16, 21, 36, and 41 have been cancelled without prejudice. Thus, the rejection of claims 1, 16, 21, 36, and 41 is moot.

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New claim 56 combines original claims 1 and 3 in independent form, which was indicated allowable by the Examiner. Therefore, claim 56 is allowable. Claims 2, 9, 10, and 18-20 depend, directly or indirectly, from claim 56 and are therefore patentable.

New claim 57 combines original claims 1 and 14 in independent form, which was indicated allowable by the Examiner. Therefore, claim 57 is allowable.

New claim 58 combines original claims 21 and 23 in independent form, which was indicated allowable by the Examiner. Therefore, claim 58 is allowable. Claims 22, 29, 30, and 38-40 depend, directly or indirectly, from claim 58 and are therefore patentable.

Applicant will briefly address new claim 59 in light of the rejection. Claim 59 calls for a method for supplying paintballs to a paintball storage reservoir having a filling opening. The method comprises the steps of attaching a cover assembly comprising at least one cover over the filling opening of the paintball storage reservoir, engaging a reloading canister comprising a discharge opening and at least one gate with the filling opening by at least partially inserting the discharge opening beyond the at least one cover into the filling opening, opening the at least one cover as the discharge opening is at least partially inserted beyond the at least one cover into the filling opening, and discharging paintballs through the discharge opening into the filling opening to fill the storage reservoir.

Andrews '355 discloses a paintball pod 20 having a semicircular door 25 pivotally mounted to a semicircular stop 33 to close a circular opening in the pod 20. A magazine 10 has a semicircular door 17 pivotally mounted to a semicircular stop 35 to close a circular opening in the magazine 10. The doors 17, 25 are provided with tabs 19, 26 arranged to engage tabs 18, 27 on stops 35, 33 when the pod 20 is engaged with the magazine 10 and rotated about an axis coaxial with the axis of rotation of the doors 17, 25.

As the pod 20 is rotated, the tabs cooperatively engage to open the doors 17, 25 to enable paintballs to discharge through the doors 17, 25 from the pod 20 into the magazine 10. The circular opening in the pod 20 is adapted to seat within an upwardly extending collar 15

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circumscribing the opening of the magazine 10. When the pod 20 is seated within the collar 15, the doors 17, 25 are disposed in a spaced, parallel configuration.

Claim 59 calls for at least partially inserting the discharge opening of a reloading canister beyond a cover extending over the filling opening of a paintball storage reservoir and into the filling opening, and opening the cover as the discharge opening is at least partially inserted beyond the cover into the filling opening. This method cannot be performed with the Andrews '355 pod 20 and magazine 10. It is impossible to insert the discharge opening of the Andrews '355 pod 20 beyond the door assembly 17, 35, or to open the door assembly 17, 35 as the discharge opening of the pod 20 is partially inserted beyond the door assembly 17, 35. The paintball reloading system of Andrews '355 simply cannot work this way. The configuration of the pod 20 and magazine 10 maintains the discharge opening of the pod 20 away from the door assembly 17, 35. Thus, claim 59 is patentable over Andrews '355. New claim 60 and claims 43-45 depend, directly or indirectly, from claim 59 and are, thus, patentable.

Applicant will briefly address new claim 47 in light of the rejection. Claim 47 calls for a paintball gun reloading assembly for use by a participant in a paintball competition to supply paintballs to a paintball storage reservoir having a filling opening. The paintball gun reloading assembly comprises a cover assembly attached to the paintball storage reservoir over the filling opening, and comprising at least one movable cover, a reloading canister having a discharge opening adapted for at least partial insertion beyond the at least one cover into the filling opening, and comprising a gate assembly having at least one gate, and at least one pivot boss attached to the at least one gate for opening the at least one gate when the at least one pivot boss is brought into contact with the cover assembly by the insertion of the discharge opening into the filling opening.

For essentially the same reasons that claim 59 is not anticipated by Andrews '355, claim 47 is not anticipated by Andrews '355. Claim 47 calls for a reloading canister having a discharge opening adapted for at least partial insertion beyond at least one cover extending over a paintball storage reservoir filling opening and into the filling opening. As discussed above, the pod 20 of

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Andrews '355 cannot be inserted beyond the door assembly 17, 35 in the magazine 10. Thus, claim 47 is patentable over Andrews '355. Claims 48-55 depend, directly or indirectly from claim 47 and are, thus, also patentable.

Applicant respectfully requests withdrawal of the rejection of claims 1, 2, 9, 10, 16, 18-22, 29, 30, 36, 38-41, and 43-45, and the allowance of claims 1, 2, 9, 10, 16, 18-22, 29, 30, 36, 38-41, and 43-45.

#### CONCLUSION

If there are any outstanding issues which the Examiner feels may be resolved by way of telephone conference, the Examiner is cordially invited to contact the undersigned to resolve these issues. Early notification of allowability is respectfully requested.

Respectfully submitted,

ROBERT LEWIS

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